



*\$ DAC*  
*[Signature]*  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KAREL VAN DEN BERG

Serial No.: 09/993,961

Filed: November 27, 2001

For: A METHOD AND APPARATUS FOR CLEANING A MILK LINE SYSTEM

Docket No.: 8553/114a

Group Art Unit: 1746

Examiner: Saeed T. Chaudhry

**PETITION TO ENVOKE SUPERVISORY AUTHORITY OF THE DIRECTOR  
UNDER 37 CFR §1.181 IN MATTERS NOT OTHERWISE PROVIDED FOR**

To the Commissioner of Patents  
BOX DAC  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Petition is to vacate or expunge the Notice of Non-Compliant Amendment dated September 15, 2004 and the paper dated February 28, 2005 entitled "Failure to Acceptably Respond to Notice of Non-Compliant Amendment."

The undersigned was aware of the Notice dated September 15, 2004 and in response thereto, filed on January 18, 2005 a Supplemental Amendment. However, he was not aware until yesterday of the paper dated February 28, 2005 when the Examiner telephoned him to ascertain whether or not the Application had been abandoned. He then found the file and learned that it had not been docketed because the secretary was unclear as to the deadlines for docketing same.

05/09/2005 CCHAU1 00000034 09993961

01 FC:1462

400.00 OP

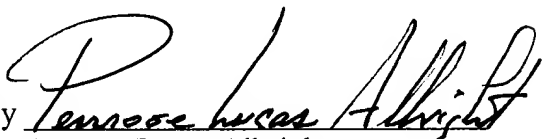
8553/114a

Although there are cases and situations wherein it is difficult to draw a line between form and substance as illustrated by the Commissioner's decision in Wilmowsky, 340 OG 7 (1925 CD 99) and the decision in Cameron, 342 OG 255 (1926 CD 6), in the situation herein the essence of the Amendment filed July 6, 2004 and the Supplemental Amendment filed January 18, 2005 leave no doubt as to which claims had been allowed and which claims were new claims. The material and essential information is clearly provided. The difference in wording is immaterial, both the original Amendment and the Supplemental Amendment are precise. The initial Notice of September 15, 2004 and the paper of February 28, 2005 should, accordingly, be expunged or vacated whereupon the Amendment filed July 6, 2004 will be considered on its merits.

A petition fee of \$400.00 is submitted herewith. If incorrect, it is requested that the Commissioner of Patents and Trademarks debit or credit our Account No. 13-2000 as appropriate.

Respectfully submitted,

MASON, MASON & ALBRIGHT

By   
Penrose Lucas Albright  
Registration No. 19,082

2306 South Eads Street  
P.O. Box 2246  
Arlington, VA 22202  
Tel (703) 979-3242  
Fax (703) 979-2526

**Filed: May 6, 2005**